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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,497

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Mark A. Tschiegg

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/085,497

Applicant(s)

TSCHIEGG ET AL.

Examiner

Greta L. Robinson

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-55 and 60-63 is/are pending in the application.
- 4a) Of the above claim(s) 50-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-49 and 60-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/31/07.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I claims 1-8, 10-49 and 60-63 in the reply filed on August 31, 2007 is acknowledged.
2. Claims 50-55 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 31, 2007.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on August 31, 2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Oath/Declaration

4. The supplemental declaration submitted on August 31, 2007 is in compliance with 37 CFR 1.67(a).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 13, 16, 25, 26, 30-33, 39, 42, 44 and 48 are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 13, 16, 30, 31, 39, 42, 44 and 48 the following claim language is vague and or not clear: "the display of graphic data occurring without loading of viewing software at the computer" [see: claim 13 lines 1-2]; "the graphics interface and database forming a web server platform to generate secure web pages" [see: claim 16 lines 19-21]; "providing drill-down linkage between high level summary and low level explanatory details based upon contributing factors" [see: claim 30 lines 19-21]; "color-coded graphics" [see: claim 31 lines 7-8]; "posting user-generated documents with user-authorized risk management information" [see: claim 42 lines 21-23; claim 44 lines 1-2]; "a rec builder for posting recommendations" [see: claim 48 lines 1-2]. Also it is unclear as to how the avoidance risk factor is calculated [see: claim 39 lines 1-5]. The specification does not appear to describe this in the detailed description, only the summary [see paragraph 0019]; "electronic documents comprising one or more of loss prevention survey results, risk summaries, and CAD diagrams" [see: claim 25 lines 12-13]; "electronic documents comprising one or more CAD diagrams" [see: claim 26 lines 12-14]. The limitations of claims 32 and 33 are rejected based on dependency.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 2, 6-8, 10-12, 14, 15, 17-24, 27-29, 34-38, 40, 41, 43, 45, 46, 49 and 60-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bladen et al. US Patent Application Publication No. 2002/0099586 A1 in view of Schwartz US Patent Application Publication No. 2003/0037063 A1 and Schneider et al. US Patent 6,785,728 B1.

Regarding claim 1, **Bladen et al.** teaches a graphical and interactive interface system for managing risk management information [note: abstract "interactive risk management"; Figure 1C (112) E-RISK USER INTERFACE];

a secure database having risk management information accessible by authorized access through a network [note: Fig. 2E, paragraph 0153, 0164-0165, 0178-0183];

a graphics interface for generating graphic data of the risk management information in response to the authorized access [note: paragraph 0197 authorized viewers; Figure 7B note generation process flowchart; Figure 1J graphical user-interface; also Figure 3D step 330]; and

means for generating email to alert authorized users to updates to the risk management information [note: FSS paragraph 0451 through 0459 "automatic electronic updates ... Access to a help line ...e-mail"; paragraph 0354 feedback].

Although Bladen et al. teaches the invention substantially as cited above, they do not explicitly disclose that the email is generated to alert authorized users, however **Schwartz** teaches means for generating email through system software 324 as a means of automatic notification of updates [note: abstract; paragraph 0102 and 0106]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Schwartz with Bladen et al. because Schwartz further shows how email may be implemented in a network system as a means of communication to alert the end user of changes. Bladen et al. and Schwartz do not teach "wherein the risk management information is segmented within the database for association with a plurality of companies", however Schneider et al. teaches this feature. **Schneider et al.** teaches an access filter checks the trust level of each segment in a database [see: col. 21 line 56 through col. 22 line 25]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Schneider et al. with the cited references because Schneider et al.'s scalable access control filter allows the end user to define complex security policies in terms of not only users but information sets [note abstract].

9. Regarding claim 2, "the authorized access comprising user inputs to the graphics interface regarding risk management information" [Bladen et al. note paragraph 0197 and 0198; paragraph 0053].

10. Regarding claims 17-24, "means for generating email generates email in response to receipt of an update ... periodic email defining updates " [note: Schwartz, Figure 3 communication interface 319; and paragraph 0102-0106].

11. Regarding claim 27, the database comprising a SQL database server [note: Bladen et al. teaches various embodiments may be implemented paragraphs 0175-0183].

12. Regarding claim 6, Bladen et al. teaches a graphical and interactive interface system for managing risk management information [note: abstract "interactive risk management"; Figure 1C (112) E-RISK USER INTERFACE];

a secure database having risk management information accessible by authorized access through a network [note: Fig. 2E, paragraph 0153, 0164-0165, 0178-0183];

a graphics interface for generating graphic data of the risk management information in response to the authorized access [note: paragraph 0197 authorized viewers; Figure 7B note generation process flowchart; Figure 1J graphical user-interface; also Figure 3D step 330]; and

means for generating email to alert authorized users to updates to the risk management information [note: FSS paragraph 0451 through 0459 "automatic electronic updates ... Access to a help line ...e-mail"; paragraph 0354 feedback];

Although Bladen et al. teaches the invention substantially as cited above, they do not explicitly disclose that the email is generated to alert authorized users, however Schwartz teaches means for generating email through system software 324 as a means of automatic notification of updates [note: abstract; paragraph 0102 and 0106]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Schwartz with Bladen et al. because Schwartz further shows how email may be implemented in a network system as a means of communication to alert the end user of changes. Bladen et al. and Schwartz do not teach "the database further comprising assistance data accessible concurrently with authorized access of the risk information", however Schneider et al. teaches this feature. Schneider et al. teaches an access policy may be defined in terms of both the user and information sets [see: col. 22 lines 45-64]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Schneider et al. with the cited references because Schneider et al.'s scalable access control policy allows the end user to define specific access control functions.

13. Regarding claim 7, the assistance data comprises loss prevention and control standards and guidelines [note: Schneider et al. col. 22 lines 54-56 defining information sets].

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14. Regarding claims 8 and 11, prohibiting access ... restricting [note: Schneider et al. user group tables col. 28 line 59 through col. 29 line 64].
15. Regarding claim 10, "wherein at least part of the risk management information is encrypted to facilitate the authorized access" [note: Schneider et al. teaches encryption and decryption, col. 21 line 49 through col. 22 line 43].
16. Regarding claims 12, 14, and 15, the filter functions comprising one or more of the following: country, city, state [note: Schneider et al. information may be defined].
17. Regarding claim 28, 29, 35, 38, 40-41 "the database responsive to electronically receive recommendations ... " [note: Bladen et al. provides for recommendations Figure 3G (354)].
18. Regarding claim 34 further comprising means for appending user-generated comments to one or more segments [note: Schneider et al. col. 21 lines 10-47].
19. Regarding claims 36 and 37, "selectively switching between cost-benefit analysis, summaries, status screens, through the graphics interface ... [note Bladen et al.: Figure 1H interactive interface; Figure 5A 508; Figure 6A-6B; figure 12A-12B views].

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20. Regarding claim 43, "wherein updates to risk management information comprises modifications ... [note: Bladen FSS paragraph 0451 through 0459 "automatic electronic updates ... Access to a help line ...e-mail"; paragraph 0354 feedback].

21. Regarding claim 45 and 49, "wherein means for generating email comprises an email server [Bladen Figure 8D].

22. The limitations of claims 60 and 61 have been addressed above in claim 1; therefore they are rejected under the same rationale.

23. The limitations of claims 62 and 63 have been addressed above, except for a survey [note: Bladen et al. teaches report analysis Figure 10E].

24. Claims 47, 46 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bladen et al. US Patent Application Publication No. 2002/0099586 A1 in view of Schwartz US Patent Application Publication No. 2003/0037063 A1 and Belloti et al. US Patent Application Publication No. 2003/0135554 A1.

Regarding claims 47, 46 and 3, Bladen et al. teaches a graphical and interactive interface system for managing risk management information [note: abstract "interactive risk management"; Figure 1C (112) E-RISK USER INTERFACE], comprising:

a secure database having risk management information accessible by authorized access through a network [note: Fig. 2E, paragraph 0153, 0164-0165, 0178-0183];

a graphics interface for generating graphic data of the risk management information in response to the authorized access [note: paragraph 0197 authorized viewers; Figure 7B note generation process flowchart; Figure 1J graphical user-interface; also Figure 3D step 330]; and

means for generating email to alert authorized users to updates to the risk management information [note: FSS paragraph 0451 through 0459 "automatic electronic updates ... Access to a help line ... e-mail"; paragraph 0354 feedback].

Although Bladen et al. teaches the invention substantially as cited above, they do not explicitly disclose that the email is generated to alert authorized users, however **Schwartz** teaches means for generating email through system software 324 as a means of automatic notification of updates [note: abstract; paragraph 0102 and 0106]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Schwartz with Bladen et al. because Schwartz further shows how email may be implemented in a network system as a means of communication to alert the end user of changes. Bladen et al. and Schwartz do not explicitly teach "further comprising a workflow application connected in network with the database for interfacing between one or more access terminals and the database. **Bellotti et al.** teaches minimizing security risks by integrating workflow terminals [see: abstract; Figure 2 (214); Figure 1 (200) workflow system; paragraph 0045]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Bellotti et al. with the cited references

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because a workflow system would provide supervisory or administrative functions that would allow work to be monitored, audited, or applied to a specific process [see paragraph 0043].

Regarding claims 4-5, the terminals comprising a computer ... facsimile ... [note: Bellotti et al. paragraph 0034; paragraph 0045].

Response to Arguments

25. Applicant's arguments with respect to claims 1-8, 10-49 and 60-63 have been considered but are moot in view of the new ground(s) of rejection.

Note newly cited references Schneider et al. and Bellotti et al. supra.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Greta Robinson', with a stylized, flowing script.

Greta Robinson
Primary Examiner
November 9, 2007